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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,191	04/15/2004	John Wayne Hartfiel	AUS920040142US1	7647
7590			EXAMINER	
12/01/2005			LUU, AN T	
Gregory W. Carr 670 Founders Square 900 Jackson Street Dallas, TX 75202			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/825,191		HARTFIEL ET AL.	
	Examiner		Art Unit	
	An T. Luu		2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 25 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-12-04</u> . | 6) <input type="checkbox"/> Other: _____ |

.DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 appears to be misdescriptive since “reset means” and “second logic means” limitations are recited for “resetting of each of said downstream divider trees” wherein figure 6 of the instant application shows only “second logic means” being capable of doing so.

As to claim 25, the limitation “a sampling latch”, line 5, appears to refer to a first logic means as recited in claim 24 since element 402 in figure 4 is the only element which receives *the first and second clocks* (as required by claim 24) and *receives an output of the delay element* (as required by claim 25).

As to claim 26, the limitation “the asynchronous divider reset signal” lacks antecedent basis.

As to claims 27-29, they are rejected for being dependent on the rejected claims as noted above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 24 and 26-28, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by the Chapman et al reference (US Patent 6,175,603).

Chapman discloses in figure 2 an apparatus comprising first logic means 34 for indicating misaligned of first and second clocks (TICK_N and CLOCK_N); reset means 36 and 37, connected to said first logic means, for providing a synchronous divider reset signal (i.e., output of 40) for resetting each of said downstream divider trees (elements 24-26 as shown in figure 1 by way of element 40), and second logic means 38, connected to first logic means and said reset means, for receiving said first logic means indication and for determining a proper clock cycle at which to issue a signal to the reset means as required by claim 24.

As to claim 26, elements 36 and 37 are seen as plurality of latches wherein element 36 receives an asynchronous divider reset signal SYS_CLK and element 37 produces a sync signal.

As to claim 27, elements 36 and 37 in figure 2 are seen as a plurality of cascade flip-flops. It is noted that AND logic gate is constructed by D-flip-flops.

As to claim 28, element 40 is seen as a counting circuit as required by claim.

Allowable Subject Matter

5. Claims 1-20 are allowed.
6. Claims 25 and 29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose an apparatus and method thereof comprising elements being configured as recited in claims. Specifically, none of the prior art teaches or fairly suggests the

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structure comprising “a sampling circuit”, “a plurality of synchronization latches” and a counting circuit” as required by claims 1, 12 and 18; “a delay element” and a “a sampling latch” as required by claim 25; and “an XOR gate” as required by claim 29.


Conclusion

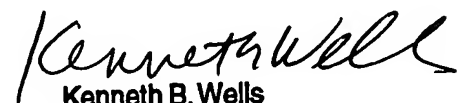
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 571-272-1746. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

An T. Luu
11-26-05 


Kenneth B. Wells
Primary Examiner